

## NORTH FORK LAND USE ADVISORY COMMITTEE MEETING MINUTES

August 1, 2009

Committee Members in Attendance: John Frederick, Randy Kenyon, Steve Berg, Pat Cole, Oliver Meister, Jan Caldwell, Molly Shepherd, Lynn Ogle

John read the minutes from the last committee meeting. The minutes were amended to change the reference to setback requirements of 100 feet from the road to 150 feet from the North Fork Road.

### OLD BUSINESS

Steve Berg suggested that the emails from Randy Kenyon and Andrew Hagemeyer be attached to the minutes, including the Closing Memorandum from Hagemeyer addressing the Doug Barnes potential setback violation. Based on the information in the Closing Memorandum, the county planning & zoning office determined that "sheds built on skids are not real property, but personal property, and do not qualify as a building and therefore are not subject to setbacks."

Randy Kenyon provided a summary of his meeting with Planning Director Jeff Harris, Planner Drew Hagemeyer and Joe (the enforcer) of the County Planning & Zoning Department. They followed up on the definition of "buildings" as it pertains to setbacks in the North Fork Zoning Regulations. The definition of "building" in the county zoning regulations refers to a "structure". A "structure," as defined by the county zoning regulations, is "a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground, including buildings and signs." Randy indicated the Planning & Zoning Office agreed that if it is not on a permanent foundation, it is not a building, and if it is not a building, it does not fall under the auspices of the setback requirements.

The planning office advised Randy that a text amendment could be pursued to redefine "buildings" in our zoning setback requirements. Randy was told that the process is tedious, but nothing like our neighborhood plan. Our committee would need to propose and vote on it, and then it would go to a public meeting, then the planning board, and then off to the commissioners. He was told that text amendments are very common and an excellent way to fine tune as events unfold.

Lynn Ogle stated that if we can't make language stronger than the county's zoning regulations, then we should consider scrapping all road setbacks from our zoning. Lynn later advised that he did not have a problem with setbacks from the river, but wanted to scrap all road setbacks from our zoning because the county should have caught this flaw in our language when we were originally doing it.

Randy will check with the county zoning & planning office to see if we can adopt a definition of structure that is different from the county's definition. Molly stated that she was not in favor of scrapping the setbacks altogether because they capture a lot of building that goes on up here and would still be applicable, because, even under the existing definition of structure, anything that has a permanent foundation or is affixed to the land so that it is real property rather than personal property, is going to be covered. So if we are going to cover part of what we were trying to address when the zoning regulations were adopted, as for the buildings on skids, we can either let it go as it is, or we could try to amend the zoning itself, not the plan, so that we included a definition within our two-page zoning

document through a text amendment that would define “building” in such a way as to include those that are not permanently attached to the land.

Lynn advised that you had better include trailer houses, etc., because as soon as people know that they can bring a trailer house up and set it up, and it doesn’t have to be a permanent structure and they can live in it, it’s going to happen.

Steve Berg inquired as to how many property owners the committee was aware of where this condition exists with buildings on skids within the setback zone. The committee was aware of one other party besides Doug Barnes, a property in Polebridge with a situation similar to Barnes in that there is not enough land to meet the building setbacks. It was agreed that if a text amendment is sought to correct the language in our zoning, that existing structures would be grandfathered in. Steve suggested that John Frederick talk to Doug Barnes and see if he would be willing to voluntarily place the buildings further back from the road, since he is not deemed in violation of the zoning setbacks and does not need to go through the variance request process. John will then summarize his conversation with Doug Barnes in writing and report back to the committee. Randy also advised that the county checked on Doug Barnes property on the GIS website and it was questionable whether he could meet the setback requirements by moving the storage sheds to his property on the other side of the road.

It was agreed that Randy should go back to the county planning & zoning office and get clarification on what would be involved with pursuing a text amendment to our zoning. Steve Berg made a motion that Randy contact the planning office for the purpose of seeking a proposed text amendment broad enough to cover both the Barnes and Polebridge situations for our review at our next meeting. The motion was seconded and voted on with all but one committee member voting in favor of it.

Steve made a second motion that John Frederick contact Doug Barnes to advise him that although it appears that our definition of building setback requirements from the North Fork Road does not cover his situation, and he may well be legally entitled to do what he is doing, we would want to explore other options with him which would entail moving these two structures

out of the setback zone. If he cannot or will not do this, inquire what his reasons are. The motion was seconded and approved.

Greg Puckett inquired what the position on abandoned cars and yurts was. The committee will check into yurts and the county has regulations pertaining to abandoned cars. He would like to see a better definition as to what can be placed within the setbacks from the river and roads.

The next land use planning committee was scheduled for September 5, at 7:00 PM prior to the NFLA business meeting. Larry inquired whether one of the planning and zoning office staff could attend that meeting as well, and Randy agreed to ask them.

Meeting adjourned.